

*28 March '84*

## Union faces rebuff over polygraph

By Peter Heaney

The introduction of the polygraph or lie detector at the Government Communications Headquarters (GCHQ) next Monday will be raised this afternoon at the first meeting for five years of the Civil Service National Whitley Council.

Sir Robert Armstrong, Secretary of the Cabinet, who will chair the meeting, may rule it out as a topic for discussion on the ground that the Civil Service unions lost their representative rights at the signals and electronic intelligence centre on March 1.

If he does, the Council of Civil Service Unions team, led by Mr William McCall, of the Institution of Professional Civil Servants, will say that about 160 employees at GCHQ have declined to "relinquish" their union membership despite the Government's ban.

Union leaders estimate that 50 of them could be liable for a lie detector test in the next 12 months. All staff at GCHQ are vetted and the process is renewed every five years.

From April 1, the polygraph will be used on those staff at Cheltenham undergoing the quinquennial review of their security clearance. It is part of a pilot project designed to stiffen Whitehall's defences against the KGB.

The expectation in Whitehall is that security authorities at Cheltenham will carefully avoid using the polygraph on any of the 160 recusants, at least in the near future. Conciliation is one of the priorities of Mr Peter Marychurch, director of GCHQ.

Of the 160 union members remaining at GCHQ, about 110 are based at Cheltenham and about 50 in its outstations. The union breakdown is: Society of Civil and Public Servants 80; Civil Service Union 50; Institution of Professional Civil Servants 30; Association of Government Supervisors and Radio Officers 30; Civil and Public Services Association 7; and First Division Association 2.

24 March '84

# MP demands fair spying trial

By Ian Black  
and Nick Davies

A Labour MP is seeking urgent assurances from the Attorney-General that an MI5 officer facing charges under the Official Secrets Act will receive a fair trial.

Mr Stuart Bell, MP for Middlesbrough and vice-chairman of his party's home affairs committee, is writing to Sir Michael Havers to express his concern that jury vetting for the trial may be being done on a political basis.

Mr Bell also wants the MI5 man to have the normal freedom to present his defence case in full.

Michael Bettaney, aged 33, who on April 10 faces six charges under the Official Secrets Act, including three of spying contrary to Section 1. He is the first member of MI5 ever to appear in court.

A pre-trial review, in camera, has already taken place before the Lord Chief Justice, Lord Lane. Directions were given to prosecuting and defence counsel the manner in which the trial will be conducted.

It was decided that it would be in a camera, apart from a small part of the opening prosecution speech by Sir Michael and the verdict; that certain

conditions would apply to the presentation of evidence for reasons of national security and that the jury would be vetted.

Mr Bell said last night in a statement: "Even though the entire trial as I understand it is to be held in camera, I want to be sure that Bettaney shall be able to bring before the court those documents that will assist him in his defence; that his defence counsel shall be able fully to examine prosecution witnesses and that witnesses that Bettaney may wish to call shall be allowed to give evidence."

"It is essential that all the rules of evidence be adhered

to. I am seeking an early meeting with the Attorney-General to ensure that Bettaney is given a fair trial and that no limitations have been imposed that would prevent this from happening."

Use of the jury vetting system has aroused controversy in the past, but legal authorities have argued that it is specially necessary in cases involving matters such as national security.

The vetting process is understood to involve in-depth investigation by both MI5 and the Special Branch of the political affiliations of potential jurors.

# Spying case man fears unfair trial

by Barrie Penrose and  
Simon Freeman

MICHAEL BETTANEY, the MI5 officer accused of spying for the Russians, has written an extraordinary letter from his cell in Brixton prison claiming that he will not be given a fair trial. The letter, written on March 9, was sent to Stuart Bell, Labour MP for Middlesbrough and vice-chairman of the party's home affairs committee.

Bell is so concerned by Bettaney's allegations that he has decided to release the full text of the letter today to Britain's national news agency, the Press Association. Bell says he has also sent a copy to the attorney-general, Sir Michael Havers. "It is a very articulate letter", says Bell. "It raises issues which should be taken up."

Bell, who is a barrister, says he has thought carefully about the legality of releasing a letter from a man awaiting trial. "If any fault were made the entire establishment would come down like a ton of bricks", he says. Bell now wants reassurances from Havers that Bettaney is mistaken in claiming he will not be given a reasonable chance of defending himself when the trial begins on April 10 at the Old Bailey.

"There's absolutely no doubt as to Bettaney's sincerity. I intend to raise all the points he makes in his letter with the attorney-general," says Bell. Bell's action today reflects the concern in legal circles about the secrecy surrounding the trial.

Earlier this month The Sunday Times revealed that prospective jurors were being secretly vetted by the special branch and MI5. This move followed a ruling in February by Lord Lane, the lord chief justice, that the trial would be conducted in camera, apart from a brief opening statement by the prosecution and the delivery of the verdict.

Bell wants Havers to state that, despite the need to protect national security, the court will still respect the fundamental and traditional principles of justice. He is anxious to clarify that Bettaney's defence will be able to bring vital documents to court that defence lawyers will be able fully to cross-examine, prosecution witnesses and that Bettaney will be able to call witnesses he feels are vital to his case.

All these points are based on claims made by Bettaney in his handwritten letter.

Bettaney, aged 33, is the first MI5 officer ever to appear in court. He faces six charges under the Official Secrets Act, including three of spying contrary to section one of the act, which relates to leaking material which could endanger national security.

First, Bettaney questions the way that the jury is being vetted.

"The panel of prospective jurors eligible to hear my case is to be subjected to vetting", he alleges. "This process, with which I am professionally familiar, involves record checks to establish whether a juror is a member of or sympathiser with any subversive party or organis-

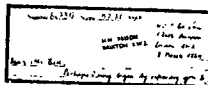
ation. These checks are supplemented by in-depth discreet enquiries by the special branch amongst a person's colleagues, workmates, neighbours and friends with the aim of compiling a dossier on the person's political and social attitudes, his standing in the community and so forth.

"In this area, a man or woman's [political] involvement... might be seen in the eyes of the authorities as sufficient to debar him or her from jury service in my trial."

Next, Bettaney turns to the alleged limitations on the way that court will admit documentary evidence. "Certain crucial documentary exhibits," he claims, "will not be produced at the trial, nor be made available for the preparation of my defence."

"Instead," he claims, "a selection of expurgated exhibits produced by the director of public prosecutions... will be exhibited."

Bettaney claims, too, that his lawyers may not be allowed to call experts who could "comment on and where necessary refute" the evidence of the security service witnesses. He also claims that his lawyers'



Bettaney's letter

cross-examination of security service witnesses will be "curtailed". He adds: "Even in the framework of a totally secret trial these are areas vital to my defence."

In view of these procedural issues Bettaney even wonders whether he should refuse to take part in the proceedings. He writes:

"I am at present considering whether, as a matter of principle, it is right for me to take any part."

Bettaney also strongly objects to the high level of secrecy surrounding the actual trial.

"I believe that the situation which I have outlined above can only add to the genuine concern which you and no doubt other members of the PLP [Parliamentary Labour Party] feel about my case. Naturally the decision to hold even the pre-trial hearing behind closed doors was taken with a view to preventing parliament and the British people from learning of the manner in which my trial is to be conducted."

Bettaney was charged last September. The case immediately caught Fleet Street's imagination. There followed a stream of background stories on a pipe-smoking fond of Bach and pie and chips, a Neighbour in his street in a quiet Surrey were asked for the views most said they had never spoken to him. Bettaney's former tutor at Pembroke College, Oxford, where he was a student in the early 70s, said he was a reliable, diligent and hard-working student. He left Oxford in 1972 with a goodish second class degree.